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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
GTW-0103/P1651US00

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on _____

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Application Number	Filed
09/751,520	Dec. 29, 2000

First Named Inventor
Bradley J. QUINN

Art Unit	Examiner
2179	Mylinh T. TRAN

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number 43,436
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Scott Charles Richardson
Signature

Scott Charles Richardson
Typed or printed name

(571)748-4765
Telephone number

June 12, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

[X] *Total of 1 forms are submitted.

Attorney Docket No.: GTW-0103/P1651US00 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bradley QUINN	Conf. No. 8825
Application No.: 09/751,520	Art Unit: 2179
Filed: December 29, 2000	Examiner: Mylinh T. TRAN
Title: SYSTEM AND METHOD FOR CONFIGURING AND LOADING A USER INTERFACE	

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In addition to the Notice of Appeal filed concurrently with this paper, a Pre-Appeal Brief Conference is respectfully requested to consider the issues raised in the final Office Action dated April 6, 2007.

Pending Claim Rejection under 35 U.S.C. §103

The final Office Action of April 6, 2007 finally rejects claims 1-15, 17-22, 27-32 and 34-43 under 35 U.S.C. §103(a) in view of U.S. Patent 6,288,716 (Humpleman).

Discussion of the Invention

The present invention involves the use of an information appliance's user interface template for creating a user interface that can be used to control a remote device (e.g., a PDA used to control various consumer electronic components). The information appliance may be configured as a "thin" device to enhance convenience and mobility of the information appliance. Typically, a "thin" information appliance (e.g., a PDA) has limited processing power, memory,

limited network connection, and the like, to fit the "thin" information appliance into a small, portable package. Because of this, it can be a disadvantage to download entire user interfaces for each remote device to be controlled by the thin information appliance, as is done in conventional systems. Figure 4 of the application depicts an example of a thin information appliance 402 (a PDA) configured to control various functions of a variety of remote devices 404, 403, 408, 410, 412, 414 and 416.

Various embodiments of the present invention avoid the need to download entire user interfaces for each remote device, instead downloading only data that describes user interface functions of the remote device.[1] The data is used to program representations (e.g., display buttons, forward and backward arrow keys, etc.) from a user interface template of the information appliance. Once data from the user interface functions of the remote device have been assigned to display representations of the information appliance, the representations are displayed on the information appliance in a manner allowing interaction by a user to control the remote device. In this way, the user interface of the information appliance is configured to control remote devices without the need to download the entire user interfaces of each remote device to be controlled.

The Humpleman system cited in the pending rejection operates in a manner similar to the conventional systems described in the Background—that is, by downloading a user interface for the device being configured.

The Claimed Features and Discussion of the Rejections

Regarding the claims, the term "remote device" refers to remote devices to be controlled—some examples of which are shown in Figure 4 as 404, 406, 408, 410, 412, 414 and 416. The "information appliance" in the claims refers to the device being programmed (e.g., PDA 402) to control the functions of the remote devices. The "representations" of the user interface may include backward and forward arrow keys, a keypad, a scroll bar or other such control representations for use in controlling and adjusting the information appliance, for example, as shown in Figure 5.

[1] Described throughout the disclosure, for example, Fig. 3 and pages 5-6 of the specification.

Claim 1 recites:

> "receiving, through a network to the information appliance, user interface data describing at least one or more user interface functions of a remote device;"

For this claim feature the Office points to a passage of the Humpleman patent that states "control and command information is sent from the first home device to the second home device in order to control the second home device [with] the user interface data stored on the second home device is in the form of HTML page data."[2] The control and command information sent as HTML page data from Humpleman's first home device to the second home device is not merely user interface data describing the user interface functions of a remote device. The control and command HTML page is the interface itself used for commanding and controlling the home device. This is explained more fully on the next page of the Humpleman patent that states "(e)ach home device contains interface data [e.g. HTML] **that provides an interface for the commanding and controlling of the home device** over the home network."[3] Thus, Humpleman's DTV 102—characterized by the Office as an information appliance—renders an HTML page from the remote device that serves as an interface, rather than sending "the user interface data describing user interface functions of a remote device." It may be possible to characterize Humpleman's HTML user interface page as only being user interface data. However, adopting this position causes Humpleman to teach away from the remaining elements of the independent claims since there would be no need for a user interface template of the information appliance or to program representations of the information appliance's user interface template.

Further regarding claim 1, this claim also recites:

> "comparing the user interface data with a user interface template of the information appliance, the user interface template including one or more representations;"

For this claim feature the Office acknowledges that "Humpleman fails to clearly teach the step of comparing...".[4] However, the Office goes on to contend that "it would have been well known in

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[2] Humpleman, col. 2, lines 57-67.
[3] Humpleman, col. 4, lines 25-41 (emphasis added).
[4] Office Action of April 6, 2007 at page 3.

the computer art because each of [the] appliance devices has its own user interface template; The 'first capabilities data for the first home device' is considered as a user interface template of this device."[5] This contention is respectfully traversed. The "interface template" in the pending claims is not in the remote device to be controlled, it is an "interface template of the information appliance," as recited in claim 1. Furthermore, since the Humpleman system downloads the HTML user interface pages for controlling each device (which serves as a user interface for the remote device), why would one be motivated to compare the HTML user interface pages to a user interface template in the information appliance? Doing so would appear to suggest that a second user interface be constructed in the information appliance.

Claim 1 also recites:

> "assigning the one or more representations of the information appliance respectively to the one or more user interface functions of the remote device;"

For this claim feature the Office points to column 6, line 54 through column 7, line 2 of Humpleman. However, it appears that this passage teaches away from the present invention, instead teaching a conventional system of downloading a user interface from the remote device to be controlled.

Claim 1 also recites:

> "programming the assigned one or more representations of the information appliance to respectively control the one or more user interface functions of the remote device;"

For this claim feature the Office points to column 9, lines 21-29 of Humpleman. This passage of Humpleman discusses the command language interface and library of commands used by Humpleman's servers for server-server control. It appears to have little relevance to the claim language of the "programming" element.

Claim 1 also recites:

> "configuring the information appliance to add a display of the one or more representations based on the user interface data;"

For this claim feature the Office points to column 7, lines 7-20 and lines 48-58 of Humpleman. This passage of Humpleman involves displaying the HTML GUI interface sent by each remote

[5] Office Action of April 6, 2007 at page 4.

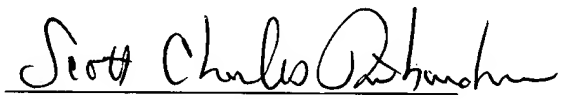
device. In fact, the relied upon passage expressly states that "each home device sends it custom GUI to the browser based DTV 102."[6] Thus, Humpleman does not configure the information appliance display the representations, which are representations from the information appliance's user interface template.

The remaining independent claims are respectfully submitted to be allowable for reasons similar to those discussed above for claim 1.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson
Reg. No. 43,436

McGrath, Geissler, Olds & Richardson, PLLC
P.O. Box 7085
Alexandria,VA 22307

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[6] Humpleman, col. 7, lines 6-7.